



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LABOR & ECONOMIC GROWTH
LANSING

KEITH W. COOLEY
DIRECTOR

STATE BOUNDARY COMMISSION

PROCEDURE FOR INCORPORATION AS A HOME RULE CITY

Petitioners:

1. Accurately describe in the petition the boundaries of the proposed city. (117.7)
2. Represent in the petition that the territory meets the population conditions for incorporation. (117.7)
3. Attach the map or drawing to petition, clearly showing the territory to be incorporated. (117.6)

Circulator of Petition:

4. Show map or drawing to each person before obtaining their signature on the petition (117.6)

Petitioners:

5. Attach an affidavit signed by one or more petitioners. (117.6 and 117.11)
6. Address the petition to the State Boundary Commission, Office of Land Survey & Remonumentation, Bureau of Construction Codes, Department of Labor and Economic Growth, P.O. Box 30704, Lansing, MI 48909. (Sec. 7, 191)
7. File the petition with the State Boundary Commission. (Sec. 7, 191)

Providing for Michigan's Safety in the Built Environment

BUREAU OF CONSTRUCTION CODES
P.O. BOX 30704 • LANSING, MICHIGAN 48909
Telephone (517) 241-6321 □ Fax (517) 241-6301
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Boundary Commission:

8. Review the petition for conformance to the statutes and rules of the Boundary Commission. (191)
 - A. Reject the petition for:
 - 1) Nonconformance with the Boundary Commission Act and Rules.
 - 2) Containing incorrect statements.
 - B. Return the petition to the petitioners, together with their reasons and certificate of rejection, or
 - C. Declare the petition legally sufficient and orders a public hearing on the petition.
9. Notify the city and county clerks of the affected municipalities of the public hearing by certified mail at least 30 days before the date. (Sec.8, 191)
10. Give notice of the public hearing at least 7 days before the date by publication in a newspaper of general circulation in the area. (Sec. 8, 191)
11. Hold a public hearing on the petition (Sec. 8, 191)
 - A. Not less than 60 or more than 220 days after the filing.
 - B. At some convenient place in the area proposed to be incorporated.
12. Consider the reasonableness of the proposed incorporation after considering the criteria established in Section 9. (Sec. 8, 191)
13. Determine whether to: (Sec. 10, 191)
 - A. Deny the proposed incorporation.
 - B. Approve the petition.

C. Revise the boundaries set forth in the petition, giving reasons for revisions and approval.

14. Adopt Findings of Fact to: (Sec. 10, 191)

A. Deny the petition, giving its reasons for denial, or

B. Approve the petition, giving its reasons for approval, or

C. Revise the boundaries set forth in the petition and approve, giving its reasons for revisions and approval.

15. Send a copy of the denial order to the petitioner and to each affected county, city, village or township clerk. (Sec. 10(2), 191)

16. Notify the petitioner and each affected county, city, village or township clerk of the approval order and date. (Sec. 10(3), 191)

Note 1: The Department's approval order is final 45 days after the date of the order unless a proper petition requesting a referendum is filed with the Commission within this 45 day period.

Note 2: The following steps 17 through 22 could apply if residents wish to file a referendum petition.

Voters in the Area Approved for Incorporation:

17. Circulate a petition to request a referendum on the incorporation question. (10(3), 191)

Note: This petition must be signed by at least 5% of the registered electors residing in the area approved for incorporation by the Commission.

Referendum Petitioners:

18. File the referendum petition with the commission within 45 days of the Commission's approval order. (Sec. 10(3), 191)

Boundary Commission:

19. Verify the validity of the referendum petition. (Sec. 10(4), 191)
20. Instruct the manager to consult with the affected clerks to determine a possible referendum election date.
21. Order an election to be held in the area approved for incorporation (Sec. 10(4), 191)
22. Specifies a date after the election on which the Department's approval order shall become final if the proposal is approved by the voters. (Sec. 10(4), 191)

Note: If a majority of those voting vote in the affirmative on the referendum question, or if no referendum petition is filed, the following steps would apply:

23. Send a certified copy of the Department's approval order to the petitioner and the clerk of each affected county, city, village or township and to the Secretary of State. (Sec. 10(5), 191)
24. Direct the clerk of each affected municipality to schedule an election, in accordance with Michigan Election Law (116 PA 1954), for 9 charter commissioners. (Sec. 10(3), Sec. 10(5), 191)

Each Charter Commission Candidate:

25. Must be an elector residing in the territory proposed to be incorporated. (117.15)
26. The nominating petition must be signed by 20 qualified electors residing in the territory proposed to be incorporated. (117.15)

Each Affected Village and Township Clerk:

27. Arrange the election for charter commissioners. (117.10)

Electors:

28. Vote for charter commissioners.
(Sec. 10, 191)

Village, Township or County Board of Canvassers:

29. Certify the election of the 9 persons receiving the highest vote to the successful candidates and the Boundary Commission. (117.15)

Boundary Commission:

30. Serve notice on charter commissioners to convene within 10 days.

Charter Commission:

31. Convenes within 10 days after the election and members take the constitutional oath of office. (117.15)
32. Certify to the Boundary Commission that the first meeting has taken place.
33. Choose its own officers. (117. 15)
34. Establish the rules for its proceedings. (117.15)

Note 1: The charter commission has the power to fill vacancies in its membership.

Note 2: Five or more of its members shall constitute a quorum.

35. Maintain a business journal; when requested by a member, enters roll call votes in the journal. (117.15)

Note: Although (117.15) provides that the charter commission shall frame a charter within 90 days after taking the oath of office, this is not deemed to be a mandatory limit, but is directory only. (OAG No. 2367, 1955, Vol. 1, p. 776; OAG Biennial Reports, 1914, p. 70)

36. Draft a proposed charter.

37. Send the proposed charter to the Governor for approval. (117.22)

Governor:

38. Review and approve the proposed charter, signs it and returns it to the charter commission (117.22), or

39. Return the proposed charter to the charter commission with a statement of his objections. (117.22)

Note: The two steps below would apply only when the Governor has expressed objections to the proposed charter.

Charter Commission:

40. Spread the reasons for the Governor's objections upon its records. (117.22)

41. Reconsider the charter in the light of the Governor's objections. (117.22)

42. Provide the manner of nominating the candidates for the first elective officers provided for in the proposed charter. (117.15)

43. Set the date of the first city election and referendum on the proposed charter. (117.15)

Note 1: The charter commission provides all other things that are necessary for the conduction of the election of the first elective officers of the proposed city.

Note 2: This election is held in conjunction with the referendum on the proposed charter.

44. Publish the proposed charter at least once in 1 or more newspapers published in the proposed city, not less than 2 weeks or more than 4 weeks preceding the election. (117.15)

A. Include a notice of the election and that on the date fixed the question of adopting the proposed charter will be voted on.

B. Assure that the elective officers provided for in the charter will be elected on the same date.

45. Post notice of the election in at least 10 public places within the proposed city, not less than 10 days prior to the election. (117.15)

46. Provide 1 or more polling places for the election and posts notices of their location in at least 10 public places not less than 10 days prior to the election. (117.15)

47. Appoint the election inspectors. (117.15)

48. Submit the prepared charter to the electors of the affected territory for their approval or rejection. (117.22)

Electors:

49. Approve or disapprove the proposed charter. (117. 22)

Election Inspectors:

50. Make returns to the local clerk(s). (MSA 6.1809)

Local Clerks:

51. Take the returns to the county clerk the day after the election. (MSA 6.1809)

Village, Township or County Board of Canvassers:

52. Canvass the vote for and against the charter. (MSA 6.1030(1))

NOTE: FOLLOW STEPS 53 THROUGH 57 *ONLY* IF CHARTER IS APPROVED

Charter Commission:

53. File a copy of the approved charter with the Boundary Commission.

Charter Commission and Boundary Commission:

54. Secure certificates from the boards of canvassers showing: 117.13
- A. The total number of votes cast if a referendum election on the question of incorporation was held, including the votes cast for and against the question.
 - B. The votes received by each charter commission candidate.
 - C. The votes for and against the charter
 - D. The votes for all candidates for the new city's first elective officers.
55. Attach to the initiatory petition every resolution, affidavit or certificate necessarily following the petition, including the certificates of step 61. (117.13)
56. File the initiatory petition and its attachments along with 2 copies of the charter with the county clerk or clerks and the Secretary of State. (117.13 and 117.24)

County Clerk(s) and Secretary of State:

57. Each record the copies of the petition and its attachments in a book to be kept for that purpose. (117. 13)

Note 1: Either of such records or certified copies shall be prima facie evidence of the incorporation. Upon filing, the charter becomes law unless a later date is set in the charter.

Note 2: Should the proposed charter be rejected, the person receiving the most votes for mayor, serves as de facto officer until a mayor is elected and qualified pursuant to a charter approved by the electors. In such event, steps 65 through 67 may be taken.

De Facto Officer:

58. Reconvene the charter commission if no petition is filed for election of a new charter commission. (117.16)

Charter Commission:

59. Revise the proposed charter for resubmission to the electors. (117.16)
60. Resubmit the proposed charter to the electors. (117.16)

Note: If, on submission of a second charter, a favorable vote is not obtained, the incorporation proceedings shall be ended. If a charter has not been adopted within a period of 2 years following the date of the commission's order becomes final, or if within the 2 year period the charter commission does not reconvene within 90 days after the defeat of the first proposed charter, the incorporation proceedings are ended. (Sec. 10(6), 191)

Qualified Electors:

61. May petition the de facto mayor for an election to select a new charter commission, by filing the signatures of 300 qualified electors. (117.17)

Note: Must be filed within 10 days of the canvass of the vote on the charter.

De Facto Officer:

62. Certify upon the petition that it contains the required number of signatures. (117.17)

63. File the petition with the Boundary Commission. (117.17)

Boundary Commission:

64. Give notice to the filing of the petition in the same manner as upon the filing of the original incorporation petition. (117.17)

65. Order the election of a new charter commission in the same manner as the first charter commission.

Electors of the Affected Territory:

66. Repeat the procedures of electing a charter commission, drafting a charter and voting on the proposed charter. (117.17)

**ALL ELECTION PROCEDURES MUST FOLLOW THE REQUIREMENTS
OF MICHIGAN ELECTION LAW.**